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#18/  
J.E.  
8/2/91

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 2102.001 CONT  
Anticipated Classification of this application:  
Class - Subclass -  
Prior application:  
Examiner: H. Nguyen  
Art Unit: 239

Box FWC  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

## FILE WRAPPER CONTINUING APPLICATION (FWC) (37 CFR 1.62)

- WARNING:** This form cannot be used where the parent case may not be abandoned since the filing of a request under the FWC procedure "will be considered to be a request to expressly abandon the prior application as of the filing date granted to the continuing application." 37 CFR 1.62(g).
- WARNING:** This procedure can only be used for a pending application prior to payment of the issue fee. 37 CFR 1.62(a).
- WARNING:** The filing of an application as the United States stage of an international application requires an oath or declaration. 37 CFR 1.61(a)(4).
- WARNING:** The claims of this new application may be finally rejected in the first Office action where all claims of the new application are drawn to the same invention claimed in the earlier application and would have been properly finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application. MPEP § 706.07(b).
- WARNING:** An application under 37 CFR 1.62 is filed by making changes by amendment to the prior application, 37 CFR 1.62(a), and not by filing a new application.
- WARNING:** Filing under 37 CFR 1.62 is permitted only if filed by the same or less than all the inventors named in the prior application.

I. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

- ☒ continuation  
☐ divisional  
☐ continuation-in-part (for oath or declaration see III below)  
☐ attached is an amendment for added subject matter

## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this FWC transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date September 14, 1990 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number MB137703489 addressed to the: Commissioner of Patents and Trademarks Washington, D.C. 20231.

Tracey L. Milka

(Type or print name of person mailing paper)

Tracey L. Milka

(Signature of person mailing paper)

NOTE: Each paper or fee filed by "Express Mail" has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.10(d).

**WARNING:** The filing date under 37 CFR 1.62(a) is "... the date on which a request is filed for an application ... including identification of the Serial Number, filing date and applicant's name of the prior application". The prior application under 37 CFR 1.62(a) must be "... a prior complete application." According to 37 CFR 1.51(a) a prior complete application comprises: (1) a specification, including a claim or claims, (2) a declaration, (3) drawings, when necessary and (4) the prescribed filing fee. Accordingly, as presently worded, 37 CFR 1.62 does not permit the FWC procedure to be used where the prior application is pending but only the processing and retention fee required by 37 CFR 1.21(l) is paid.

### PARTICULARS OF PRIOR APPLICATION

- A. Application Serial No. O 7/206<sup>497</sup> filed 6/13/88  
(date)
- B. Title (as originally filed TRANSMISSION SYSTEM  
and as last amended) TRANSMISSION SYSTEM
- C. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

1. FULL NAME OF INVENTOR	FAMILY NAME <u>Hair</u>	FIRST GIVEN NAME <u>Arthur</u>	SECOND GIVEN NAME <u>R.</u>
RESIDENCE & CITIZENSHIP	CITY <u>Venetia</u>	STATE OR FOREIGN COUNTRY <u>Pennsylvania</u>	COUNTRY OF CITIZENSHIP <u>United States</u>
POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>337 Quail Run Road</u>	CITY <u>Venetia</u>	STATE & ZIP CODE/COUNTRY <u>USA</u> <u>Pennsylvania 15367</u>
2. FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
3. FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

☐ Continued on added page for Inventor's Data

The above identified application, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

## II. Inventorship statement

NOTE: "If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application." 37 CFR 1.62(a) [emphasis added].

NOTE: "In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application." 37 CFR 1.60(c).

(complete applicable item (a), (b) and/or (c) below)

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

---

(Type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are

☐ the same

☐ add the following additional inventor(s)

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(Type name of inventor(s) to be added)

- (c) The inventorship for all the claims in this application are

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

## III. Declaration or oath

### A. Continuation or divisional

☒ none required

### B. Continuation-in-part

☐ attached

executed by (check all applicable items)

☐ inventor(s).

☐ legal representative of inventor(s) 37 CFR 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. (See item VIII below for fee.)

☐ not attached

- ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above named applicant(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently.)
- ☐ showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).)

#### IV. Identification of Claims for Further Prosecution

**WARNING:** "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b).

- ☒ The fees to be charged are to be based on the number of claims remaining as a result of the
- ☒ attached preliminary amendment.
- ☐ the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated.
- ☐ the claims as on file in the prior application.

#### V. Fee Calculation (37 CFR 1.16)

**NOTE:** The filing fee for a continuation, continuation-in-part, or divisional application is based on the number of claims remaining in the application after entry of any preliminary amendment and entry of any amendments under 37 CFR 1.116 unentered in the prior application which is requested to be entered in this FWC application. 37 CFR 1.62.

CLAIMS FOR FEE CALCULATION						
Number Filed			Number Extra	Rate	Basic Fee \$370.00	
Total Claims	5	- 20 =	0	X	\$ 12.00	0.00
Independent Claims	(37 CFR 1.16(b)) 2 - 3 =		0	X	\$ 36.00	0.00
Multiple dependent claim(s), if any (37 CFR 1.16(d))					\$120.00	

- ☐ The fee for extra claims is not being paid at this time.

Filing fee calculation

\$ 370.00

**NOTE:** If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

**VI. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

*NOTE: Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.*

*(check the next item, if applicable)*

- ☐ There is provided herewith a Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently).

**VII. Small Entity Statement**

- ☐ A verified statement that this is a filing by a small entity is attached.
- ☒ The small entity statement was filed in the parent application Serial No. 0 7/ 206,497 which parent application was filed on 6/13/88 and this status is still proper and its benefit under 37 CFR 1.28(a) is hereby claimed.

Filing fee calculation (50% of above) \$ 185.00

*NOTE: 37 CFR 1.28(a) states "Status as a small entity must be specifically established by a verified statement filed in each application or patent in which the status is available and desired, except those applications filed under § 1.60 or § 1.62 of this part where the status as a small entity has been established in a parent application and is still proper."*

*The last sentence of 37 CFR 1.28(a) states: "Applications filed under § 1.60 or § 1.62 of this part must include a reference to a verified statement in a parent application if status as a small entity is still proper and desired."*

*Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee then the excess fee paid will be refunded on request. 37 CFR 1.28(a).*

**VIII. Fee Payment Being Made at This Time**

Not attached

- ☐ No filing fee is submitted. *(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)*

Attached

- ☒ filing fee \$ 185.00
- ☐ recording assignment (\$8.00; 37 CFR 1.21(h)).  
*See item XIV below.* \$ \_\_\_\_\_
- ☐ petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$120.00; 37 CFR 1.47 and 1.17(h)) \$ \_\_\_\_\_
- ☐ processing and retention fee (\$120.00; 37 CFR 1.53(d) and 1.21(l)) \$ \_\_\_\_\_

*NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as, the changes to 37 CFR 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be timely paid or the processing and retention fee in § 1.21(l) must be paid within 1 year from the notification under § 1.53(d).*

**Total fees enclosed**

\$ 185.00

**IX. Method of Payment of Fees**

- ☒ attached is check in the amount of \$ 185.00
- ☐ charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_
- ☐ A duplicate of this request is attached.

**NOTE:** Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

**X. Authorization to Charge Additional Fees**

**WARNING:** If no fee payment is made at this time this item should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claim charges are authorized.

- ☒ The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of this application to Account No. 03-2411:
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)) it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a) this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed" (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance, 37 CFR 1.311(b).

From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. Notification of any change of status resulting in loss of entitlement to small entity status must be filed in the application prior to, or at the time of, paying the issue fee. 37 CFR 1.28(b).

**XI. Instructions as to Overpayment**

- ☒ credit Account No. 03-2411
- ☐ refund

**XII. Priority—35 U.S.C. 119**

- ☐ Priority of application Serial No. 0 / \_\_\_\_\_ filed on

\_\_\_\_\_ in \_\_\_\_\_ is claimed under  
35 U.S.C. 119. (country)

☐ The certified copy has been filed on \_\_\_\_\_ in prior U.S. applica-  
tion Serial No. 0 / \_\_\_\_\_, which prior application was filed on  
\_\_\_\_\_

☐ certified copy will follow

**XIII. Relate Back—35 U.S.C. 120**

☒ Amend the specification by inserting before the first line the sentence:

SPP "This is a

- ☒ continuation  
☐ divisional  
☐ continuation-in-part

of copending application(s)

☒ serial number 0 7 / 206,497 filed on 6/13/88, now abandoned

☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_  
and which designated the U.S."

NOTE: The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

**XIV. Assignment**

- ☐ the prior application is assigned of record to \_\_\_\_\_  
\_\_\_\_\_  
☐ an assignment of the invention to \_\_\_\_\_  
\_\_\_\_\_  
is attached.

**XV. Power of Attorney**

The power of attorney in the prior application is to

Ansel M. Schwartz, Esquire  
Attorney

34  
30,587  
Reg. No.

- a. ☒ The power appears in the original papers in the prior application.  
 b. ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_.  
 c. ☐ A new power has been executed and is attached.  
 d. ☒ Address all future communications to:

601 Ansel M. Schwartz, Esquire 30,587  
 Name Reg. No.  
 Cohen & Grigsby  
 Address 2900 CNG Tower  
 625 Liberty Avenue (412) 394-4987  
 Pittsburgh, PA 15222 Tel. No.

(Item d may only be completed by applicant, or attorney or agent of record).

#### XVI. Maintenance of Cendency of Prior Application

(This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run)

- ☒ A petition, fee and response has been filed to extend the term in the pending prior application until September 14, 1990.

NOTE: The PTO finds it useful if a **copy** of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- ☒ A copy of the petition for extension of time in the **prior** application is attached.

#### XVII. Conditional Petitions for Extension of Time in Prior Application

(complete this item and file conditional petition in prior application if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending prior application

NOTE: The PTO finds it useful if a **copy** of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

- ☐ A copy of the conditional petition for extension of time in the **prior** application is attached.

#### XVIII. Abandonment of Prior Application

- ☒ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application. At the same time please add the words "now abandoned" to the amendment to the specification set forth in XIII above.

NOTE: According to the Notice of May 13, 1983 (103, TMOG 6-7) the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

NOTE: "A registered attorney or agent acting under the provisions of § 1.34(a), or of record, may also expressly abandon a prior application as of the filing date granted to a continuing application when filing such a continuing application." 37 CFR 1.138.



Ansel M. Schwartz, Esquire

Type or print name of person signing

Ansel Schwartz

Signature

9/14/90

Date

Cohen & Grigsby

P.O. Address of Signatory

2900 CNG Tower

625 Liberty Avenue

Pittsburgh, PA 15222

Tel. No.: (412) 394-4987

☐ Inventor

☐ Assignee of complete interest

☐ Person authorized to sign on behalf of assignee

☒ Attorney or agent of record

☐ Filed under Rule 34(a)

Reg. No. 30,587

(if applicable)

(Complete the following if applicable)

Type name of assignee

Address of assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

☐ Plus ADDED PAGE FOR INVENTOR'S DATA FOR FWC FILING

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATION(S) CLAIMED**

**NOTE:** "In order for an application to claim the benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112." 37 CFR 1.78(a).

**NOTE:** "In addition the prior application must be (1) complete as set forth in § 1.51, or (2) entitled to a filing date as set forth in § 1.53(b) and include the basic filing fee set forth in § 1.16; or (3) entitled to a filing date as set forth in § 1.53(b) and have paid therein the processing and retention fee set forth in § 1.21(1) within the time period set forth in § 1.53(d)." 37 CFR 1.78(a).

**17. Relate Back—35 U.S.C. 120**

**NOTE:** "Any application claiming the benefit of a prior filed copending national or international application must contain or be amended to contain in the first sentence of the specification following the title a reference to such prior application identifying it by serial number and filing date or international application number and international filing date and indicating the relationship of the applications." 37 CFR 1.78(a). See also the Notice of April 28, 1987 (1079 O.G. 32 to 46).

☒ Amend the Specification by inserting before the first line the sentence:

"This is a

- ☒ continuation
- ☐ continuation-in-part
- ☐ divisional

of copending application(s)

- ☒ serial number 0 7 / 586,391 filed on September 18, 1990 "
- ☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S."

**NOTE:** The proper reference to a prior filed PCT application which entered the U.S. national phase is the U.S. serial number and the filing date of the PCT application which designated the U.S.

**NOTE:** (1) Where the application being transmitted adds subject matter to the International Application then the filing can be as a continuation-in-part or (2) it is desired to do so for other reasons, e.g. where no declaration is available, no English translation is available or no fee is to be paid on filing then the filing can be as a continuation. In these cases the International Application designating the U.S. is treated as the parent case in the U.S. and is an alternative to the completion of the International Application under 35 U.S.C. 371(c)(4) which must meet the requirements of 37 CFR 1.61(a). This alternative permits the completion of the filing requirements within any term set by the PTO under 37 CFR 1.53(d) to which the extension provisions of 37 CFR 1.136(a) apply. (Whereas, if the filing is as an international application entering the U.S. stage then the fee, declaration and/or English translation (where necessary) is due within 20 months of the priority date but can be paid within 22 months of the priority date (or is due within 30 months of the priority date but can be submitted within 32 months of the priority date) with the surcharges set forth in 37 CFR 1.492(e), (f) and 37 CFR 1.495(c); however, the provisions of 37 CFR 1.136 do not apply to this 22 or (32 month) period. 37 CFR 1.61(b).)

**NOTE:** The deadline for entering the national phase in the U.S. for an international application was clarified in the Notice of April 28, 1987 (1079 O.G. 32 to 46) as follows:

"The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned or to the United States 2

or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of § 1.494 and paragraph (2) of § 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."

#### 18. Relate Back—35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 16, in turn itself claim(s) foreign priority (ies) as follows:

country	appl. no.	filed on
The certified copy (ies) has (have)		
<input type="checkbox"/> been filed on _____ in prior application 0 / _____ which was filed on _____		
<input type="checkbox"/> is (are) attached		

**WARNING:** The certified copy of the priority application which may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a certified copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. serial number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the Continuing Application are substantial. Accordingly, the priority documents in folders of international applications which have not entered the national stage may not be relied on. Notice of April 28, 1987 (1079 O.G. 32 to 46).

#### 19. Maintenance of Copendency of Prior Application

**NOTE:** The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application. Notice of November 5, 1985 (1060 O.G. 27).

A. ☐ Extension of time in prior application

(This item must be completed and the papers filed in the prior application if the period set in the prior application has run)

☐ A petition, fee and response extends the term in the pending prior application until \_\_\_\_\_

☐ A copy of the petition filed in prior application is attached

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending prior application.

☐ A copy of the conditional petition filed in the prior application is attached

#### 20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

**NOTE:** "If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application." 37 CFR 1.62(a) [emphasis added]. (dealing with the file wrapper continuation situation).

**NOTE:** "In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses (Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s)

Claimed [4-1.1]—page 2 of 4)

and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application." 37 CFR 1.60(c). (dealing with the continuation situation).

(complete applicable item (a), (b) and/or (c) below)

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted:

---

(Type name(s) of inventor(s) to be deleted)

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application the inventor(s) in this application are

☐ the same

☐ the following additional inventor(s) have been added

---

(Type name(s) of inventor(s) to be added)

- (c) The inventorship for all the claims in this application are

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted

☐ will be submitted

**21. Abandonment of Prior Application (if applicable)**

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

**NOTE:** According to the Notice of May 13, 1983 (103, TMOG 6-7) the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.

**22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

**WARNING:** "The claims of a new application may be finally rejected in the first Office action in those situations where (1) the new application is a continuing application of, or a substitute for, an earlier application, and (2) all the claims of the new application (a) are drawn to the same invention claimed in the earlier application, and (b) would have been properly finally rejected on the grounds of art of record in the next Office action if they had been entered in the earlier application." MPEP, § 706.07(b).

**NOTE:** Where it is possible that the claims on file will give rise to a first action final for this continuation application and for some reason an amendment cannot be filed promptly (e.g., experimental data is being gathered) it may be desirable to file a petition for suspension of prosecution for the time necessary.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s)  
Claimed [4-1.1]—page 3 of 4)

*(check the next item, if applicable)*

- ☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

**23. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

- ☐ A notification of the filing of this  
*(check one of the following )*
- ☐ continuation
  - ☐ continuation-in-part
  - ☐ divisional

is being filed in the parent application from which this application claims priority under 35 USC § 120.

**ADDED PAGE(S) FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
A PRIOR U.S. APPLICATION CLAIMED**

This is a continuation application of U.S. patent application serial number 07/586,391 filed September 18, 1990, now U.S. Patent No. 5,191,573, issued March 2, 1993, which is a continuation application of U.S. patent application serial number 07/206,497, filed June 13, 1988, abandoned.

Added page 1

(Added Page for Special Comments for Application Transmittal Where Benefit of a Prior  
U.S. Application Claimed [4-1.1])



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

586391

FROM : Sallye M. Rayford, Manager  
Correspondence & Mail Division

SUBJECT: Receipt of Papers and Fees File Under 37 CFR 1.10 By  
Express Mail

The filing date of Sept 18<sup>th</sup> 1990 is the correct date. The date on the Express Mail label under 37 CFR 1.10 is \_\_\_\_\_. On that date the PTO was closed all day due to \_\_\_\_\_ adverse weather conditions (authorized by Office of Personnel Management) or a \_\_\_\_\_ non-scheduled Federal holiday within the District of Columbia. In accordance with 37 CFR 1.6 the papers have been stamped with the next succeeding day which is not a Saturday, Sunday or Federal holiday within the District of Columbia. The provision of 35 U.S.C. 21 (b) apply.

The papers were not stamped with the date on the certificate of mailing by Express Mail because the date on the certificate does not coincide with the date of deposit on the Express Mail label which the PTO takes as evidence of when the package was mailed.

Date on certificate of mailing by Express Mail is Sept 14<sup>th</sup> 1990

Date on Express Mail label is Sept 18<sup>th</sup> 1990

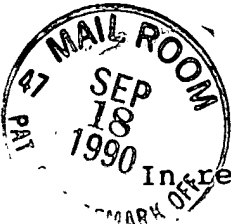
Date of receipt in PTO is Sept 19<sup>th</sup> 1990

Therefore, the filing date is Sept 18<sup>th</sup> 1990

The papers are not entitled to the benefits of 37 CFR 1.10 because:

SIGNED: Trina Wyfall

DATE : Sept 20<sup>th</sup> 1990



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ARTHUR HAIR

Serial No. 07/206,497

Filed: June 13, 1988

Art Unit 239

Patent Examiner:

H. Nguyen

TRANSMISSION SYSTEM

Pittsburgh, Pennsylvania 15222

August 21, 1990

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on 8-21-90

*Ansel M. Schwartz*

Ansel M. Schwartz  
Registration No. 30,587

8/21/90  
Date

PETITION FOR ONE-MONTH  
EXTENSION OF TIME

The first Official Action dated May 14, 1990, which issued in the above-referenced patent application, has been received. Applicant, by the subject Petition, now requests that he be granted a one-month extension of time to permit him to file an amendment to the outstanding Official Action. By this Petition, the period of response is extended to and including September 14, 1990. Applicant's response in the form of an amendment is being filed with this Petition. Enclosed is a check in the amount of \$31.00 to cover the extension fee.



The Commissioner is hereby authorized to charge any fees, or credit any overpayment, to Deposit Account No. 03-2411. A duplicate copy of this Petition is enclosed.

Respectfully submitted,

ARTHUR HAIR

By

Ansel M. Schwartz  
Ansel M. Schwartz, Esquire  
Cohen & Grigsby  
Reg. No. 30,587  
2900 CNG Tower  
625 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 394-4900

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, DC 20231, on 8/21/90

Ansel M. Schwartz

Ansel M. Schwartz  
Registration No. 30,587

8/21/90

Date